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**APR 30 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
John Barney	:	
Application No. 10/667,673	:	ON PETITION
Filed: September 22, 2003	:	
Attorney Docket No. 020614	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 8, 2007, to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the non-final Office action mailed September 16, 2005. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on December 17, 2005. The Office mailed a Notice of Abandonment on March 24, 2006.

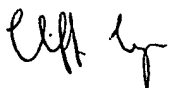
With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Amendment.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The matter is being forwarded to Group Art Unit 3654 for consideration of the Amendment filed August 8, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.



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